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Filing date: **05/26/2006**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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| Proceeding | 91170430 |
| Party | Defendant BVS Entertainment, Inc. BVS Entertainment, Inc. 500 South Buena Vista Street Burbank, CA 91521 |
| Correspondence Address | JEREMY KAUFMAN THE WALT DISNEY COMPANY 500 S BUENA VISTA ST BURBANK, CA 91521-0006 |
| Submission | Answer |
| Filer's Name | Linda K. McLeod |
| Filer's e-mail | docketing@finnegan.com, linda.mcleod@finnegan.com, judy.valusek@finnegan.com |
| Signature | /Linda K. McLeod/ |
| Date | 05/26/2006 |
| Attachments | 0003540.PDF (5 pages)(159754 bytes) |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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| <p>SMSC GAMING ENTERPRISE d/b/a MYSTIC LAKE CASINO HOTEL,</p> <p style="text-align:center">Opposer</p> <p style="text-align:center">v.</p> <p>BVS ENTERTAINMENT, INC.,</p> <p style="text-align:center">Applicant.</p> | <p>Opposition No. 91170430</p> <p>Application No. 78/659,510 Mark: MYSTIC RACER Filed: June 28, 2005</p> |
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ANSWER

BVS Entertainment, Inc. ("Applicant") answers the Notice of Opposition against its pending Application Serial No. 78/659,510 as follows:

Responding to the preamble of the Notice of Opposition, Applicant admits that it filed Application Serial No. 78/659,510 for the mark MYSTIC RACER on June 28, 2005, in the name of BVS Entertainment, Inc.; Applicant admits that the mark MYSTIC RACER as shown in Application Serial No. 78/659,510 was published for opposition on March 7, 2006; Applicant denies that Opposer will be damaged by the registration of the mark MYSTIC RACER; and Applicant lacks sufficient information to form a belief as to the truth or falsity of any remaining allegations in the preamble, and therefore denies them.

1. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 1 of the Notice of Opposition, and therefore denies them.

2. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 2 of the Notice of Opposition, and therefore denies them.

3. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 3 of the Notice of Opposition, and therefore denies them.

4. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 4 of the Notice of Opposition, and therefore denies them.

5. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 5 of the Notice of Opposition, and therefore denies them.

6. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 6 of the Notice of Opposition, and therefore denies them.

7. There is no Paragraph 7.

8. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations set forth in Paragraph 8 of the Notice of Opposition, and therefore denies them.

9. Admitted.

10. Applicant admits that on June 28, 2005, it filed intent-to-use Application Serial No. 78/659,510 for the mark MYSTIC RACER, which was published for opposition on March 7, 2006 for all purpose sport bags; athletic bags; baby backpacks;

backpacks; beach bags; book bags; calling card cases; change purses; coin purses; diaper bags; duffel bags; fanny packs; gym bags; handbags; knapsacks; key cases; leather key chains; lipstick holders; luggage; luggage tags; overnight bags; purses; satchels; leather, mesh, and textile shopping bags; tote bags; umbrellas; waist packs; wallets in International Class 18. Applicant lacks sufficient information to form a belief as to the truth or falsity of any remaining allegations set forth in Paragraph 10 of the Notice of Opposition, and therefore denies them.

11. Denied.

12. Denied.

13. Applicant denies the allegations in the WHEREFORE paragraph of the Notice of Opposition.

AFFIRMATIVE DEFENSES

14. Opposer has failed to state a claim upon which relief may be granted.

15. Opposer's allegations pertaining to matters outside of the United States are irrelevant and beyond the scope of this proceeding, and thus fail to state a claim upon which relief may be granted.

16. With respect to the exhibits attached to the Notice of Opposition, such exhibits do not constitute evidence of record, and thus Applicant denies any allegations purporting to relate to such exhibits.

WHEREFORE, BVS Entertainment, Inc. prays that this opposition be dismissed with prejudice, and that Applicant's mark be granted registration.

Respectfully Submitted,

Dated: May 26, 2006



David M. Kelly
Linda K. McLeod
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.
901 New York Avenue, N.W.
Washington, D.C. 20001-4413
Telephone: (202) 408-4000
Facsimile: (202) 408-4400

CERTIFICATE OF SERVICE

I hereby certify that on May 26, 2006, a true and correct copy of the foregoing Answer was served by United States first class mail, postage prepaid, on counsel for Opposer:

Steven F. Olson
Jeffrey S. Rasmussen
Olson, Allen & Rasmussen, LLC
8200 Humboldt Avenue South #200
Bloomington, MN 55431


